



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/886,895	06/21/2001	Carl N. Baron	NOR/1006	6116

37172 7590 04/27/2005

WOOD, HERRON & EVANS, LLP (NORDSON)
2700 CAREW TOWER
441 VINE STREET
CINCINNATI, OH 45202

EXAMINER

OSMAN, RAMY M

ART UNIT	PAPER NUMBER
----------	--------------

2157

DATE MAILED: 04/27/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/886,895

Applicant(s)

BARON, CARL N.

Examiner

Ramy M. Osman

Art Unit

2157

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 January 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3 and 5-7 is/are pending in the application.
- 4a) Of the above claim(s) 4 and 8 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3 and 5-7 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Status of Claims

1. This communication is responsive to the amendment filed on January 28, 2005. Claims 1-3 and 5-7 are pending. The rejections cited are as stated below.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-3 and 5-7 rejected under 35 U.S.C. 102(b) as being anticipated by Baker et al (US Patent No 5,696,898).

4. In reference to claims 1 and 5, Baker teaches a method of regulating network access to selected functions of a controller of a machine, wherein the controller is coupled to a network having a web server that publishes a plurality of web screens configured to control the selected functions of the controller, and at least one remote computer connected to the web server that receives the published web screens (Abstract and column 3 lines 1-5,38,39 & 50-52), the method comprising:

identifying a network address of a user accessing the web server via the network (column 1 lines 43-50 & 56-67, column 3 lines 38-52, column 4 lines 14-40, and claim 1); and

restricting access of the user to selected published web screens of the plurality of web screens published by the web server based upon the identified address of the user (Summary,

Art Unit: 2157

column 3 lines 38,39 & 50-52, column 3 line 64 – column 4 line 5, column 4 lines 14-35 and column 5 lines 6-15 & 25-50).

5. In reference to claims 2 and 6, Baker teaches the method according to claim 1, wherein a user accessing the web server via the at least one remote computer is restricted in access to a subset of the plurality of published web screens (Summary, column 3 line 64 – column 4 line 5, column 4 lines 14-35 and column 5 lines 6-15 & 25-50).

6. In reference to claims 3 and 7, Baker teaches the method according to claim 1, wherein a user accessing the web server via the web server is unrestricted in access to the plurality of published web screens (Summary, column 3 line 64 – column 4 line 5, column 5 lines 6-15 and claims 2 & 3).

Response to Arguments

7. Applicant's arguments filed 1/28/2005 have been fully considered but they are not persuasive.

8. In response to applicants argument, the recitation of “wherein the controller is coupled to a network having a web server that publishes a plurality of web screens configured to control the selected functions of the controller” has not been given patentable weight because the recitation occurs in the preamble. A preamble is generally not accorded any patentable weight where it merely recites the purpose of a process or the intended use of a structure, and where the body of the claim does not depend on the preamble for completeness but, instead, the process steps or structural limitations are able to stand alone. See *In re Hirao*, 535 F.2d 67, 190 USPQ 15 (CCPA 1976) and *Kropa v. Robie*, 187 F.2d 150, 152, 88 USPQ 478, 481 (CCPA 1951).

Art Unit: 2157

9. In the instant application, the body of the claims fully set forth all limitations of the invention. The preamble fails to state any of the claimed inventions limitations, and therefore is not considered a limitation and is of no significance to claim construction. The claim body states identifying an address of a user, and restricting access of the user. None of the mentioned elements in the preamble (i.e. the controller, the web screens, and the remote computers) are said to perform the “identifying” and the “restricting”. The preamble is therefore not considered a limitation and is of no significance to claim construction. See *Pitney Bowes v. Hewlett-Packard Co.*, 182 F.3d 1298,1305, 51 USPQ2d 1161, 1165 (Fed. Cir. 1999).

10. Despite the above arguments, Examiner will respond to the applicants argument that Baker does not teach “wherein the controller is coupled to a network having a web server that publishes a plurality of web screens configured to control the selected functions of the controller”.

This recitation, although not a claim limitation, is broad and is broadly interpreted. The recitation of “the controller is coupled to a network having a web server” is interpreted to mean that the controller itself has a web server, and therefore the controller is a web server. This is because the language is open-ended, lacking explicit sentence structure, and is subject to broad interpretation. The recitation of “a plurality of web screens configured to control the selected functions of the controller” is subsequently interpreted to mean web pages that cause the web server to transmit web pages (where ‘transmit’ is a ‘selected function’). This is an inherent feature of any web server, where a web page indirectly controls a transmit function of the web server whenever the web page is requested.

Art Unit: 2157

In light of the above interpretation, it is therefore seen that Baker teaches these features because Baker teaches network resources, which are web servers, that host information on the World Wide Web (column 3 lines 1-3,38,39 & 50-52). These web servers are “controllers” and are coupled to a network (column 3 lines 38 & 39). The web servers host web pages that have URLs (column 3 lines 50-52). Whenever a web page URL is requested, the server transmits the web page through the network. Therefore, the web page controls the functions (i.e. transmitting) of the server.

11. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

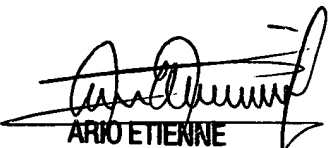
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ramy M. Osman whose telephone number is (571) 272-4008. The examiner can normally be reached on M-F 9-5.

Art Unit: 2157

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ario Etienne can be reached on (571) 272-4001. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

RMO
April 19, 2005


ARIO ETIENNE
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100